



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 13 2004

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510-1702

Exemption 6 Personal Privacy

Dear Senator McConnell:

Thank you for your April 28, 2004, letter on behalf of ~~XXXXXX~~ regarding the City of Radcliff proposing to impose a storm water utility fee on residential homes.

Storm water runoff from land modified by human activity can harm surface water by changing natural hydrologic patterns, accelerating natural streams flows, and elevating pollutant loadings and concentrations to nearby waterways. Over the last 25 years, documentation has provided information that runoff contains high levels of contaminants such as sediment, heavy metals, pathogens, and toxins, just to name a few. In 1990, under the Clean Water Act, the United States Environmental Protection Agency (EPA) developed regulations consisting of a two-part, phased approach to address polluted runoff under the National Pollutant Discharge Elimination System (NPDES) program.

Under the NPDES program, the Phase II regulations provide for small municipalities to develop comprehensive storm water management pollution prevention plans to control pollution caused by urban runoff. The City of Radcliff was identified in the NPDES regulations (December 8, 1999) as a small municipality needing to comply with the Phase II storm water regulations, which became effective as of March 10, 2003.

The Commonwealth of Kentucky's Department of Water has been authorized by EPA to implement the NPDES program, which includes issuing permits for storm water discharges. In addition, the storm water Phase II rule is the next step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted storm water runoff. The Phase II program requires additional operators of municipal separate storm sewer systems in urbanized areas, through the use of NPDES permits, to implement programs and practices to control polluted storm water runoff. Phase II is also intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated source of storm water discharges that have the greatest likelihood of causing continued environmental degradation.

Under the NPDES permit, local authorities must develop storm water management programs along six areas of control. These include the following:

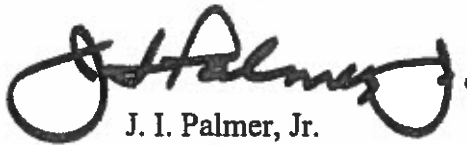
- public education and outreach
- public participation/involvement
- illicit discharge detection and elimination
- construction site runoff control
- post-construction runoff control
- pollution prevention/good housekeeping

More information on this subject can be found on EPA's website at www.epa.gov/npdes/stormwater/.

In order to comply with the state and federal requirements, small municipalities have looked at various options to pay for the cost of implementation. Although not a requirement of the Phase II regulations, many communities have opted to develop sewer authorities which charge user fees. This is a viable option for most communities since it establishes a dedicated funding source for the local programs. In Kentucky, 36 small communities are currently covered by a utility fee established by Sanitation District No. 1. In developing the fee, relative impacts to the community are examined. For example, many utility fee developers chose a formula based on impervious surfaces. It is the decision of the local authority to determine how to fund the cost of implementing federal and state requirements. There are no federal requirements that stipulate the funding mechanisms to fund local programs.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. I. Palmer, Jr.", with a stylized, looping flourish at the end.

J. I. Palmer, Jr.
Regional Administrator

MITCH McCONNELL
KENTUCKY

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United States Senate

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April 28, 2004

Mr. Edward Krenik
Associate Administrator
Congressional & Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Mr. Krenik:

I am writing on behalf of a constituent who has contacted me regarding the storm water utility fee paid by the citizens of Radcliff, Kentucky. I would appreciate your review and response to my constituent's concerns.

I have enclosed a copy of my constituent's correspondence, for your information. Please direct any inquiries and all relevant information to Pam Simpson in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/FS

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From: [REDACTED]
Sent: Tuesday, April 27, 2004 7:15 PM
To: McConnell, Senator (McConnell)
Subject: Storm water utility fee questions

Dear Sen. Mitch McConnell,

Several months ago the City of Radcliff imposed a storm water utility fee on the citizens of Radcliff telling us it was required by the federal government. The residence pay \$4.50 per month based on 2800 square feet of drainage. Business and churches also pay big time. Now since it is election time we are being told by others that it was not a requirement and even if we wanted it we could have gotten it a lot cheaper. I am campaigning for three people I would like to see on the city council and election time is May the 18th. My question is, and we know the importance of the Fee, but was it a rigid order that we had to accept this fee or was it more of a request? How many other cities in Kentucky have this fee? All our untrusted council tells us is several cities have it but they don't tell us which cities have it. I would appreciate any info you can give me on this important matter as I told my group I was going to e-mail you and try and get some straight answers.

Thank you very much

[REDACTED]

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